

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Craig L. Brewster,

Case No. 19-cv-75-NEB-KMM

Plaintiff(s),

v.

**SECOND AMENDED
PRETRIAL SCHEDULING
ORDER**

United States of America,

Defendant(s).

DEADLINES AND DISCOVERY LIMITS

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **January 31, 2020**.
2. Fact discovery shall be commenced in time to be completed on or before **March 29, 2021**, with a deadline for substantial completion of document production by **October 30, 2020**.
3. No more than a total of **15 interrogatories**, counted in accordance with Rule 33(a), shall be served by each side. No more than **15 document requests** and no more than **10 requests for admissions** shall be served by each side.
4. No more than **10** depositions, excluding expert witness depositions, shall be taken by each side.

5. Non-dispositive motions and supporting documents, including those which relate to fact discovery and leave to assert punitive damages (if applicable), shall be filed and served on or before **March 29, 2021**.
6. Each side may call up to **3** expert witnesses. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:
 - a. Initial experts.
 - i. The identity of any expert who may testify at trial regarding issues on which the party has the burden of persuasion must be disclosed on or before **May 26, 2021**.
 - ii. The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before **May 26, 2021**.
 - b. Rebuttal experts.
 - i. The identity of any experts who may testify in rebuttal to any initial expert must be disclosed on or before **July 14, 2021**.
 - ii. Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before **July 14, 2021**.
7. Each side may take one deposition per expert. Expert discovery, including depositions, shall be completed by **August 18, 2021**. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **August 18, 2021**.
8. No more than **1** Rule 35 medical examination shall be taken on or before **April 29, 2021**.
9. Discovery of Electronically Stored Information.

The parties have discussed issues about preservation and disclosure or discovery of electronically stored information as required by Fed. R. Civ. P. 26(f), including the form or forms in which it should be produced. The parties will inform the Court of any issues that arise related to electronic discovery.

NON-DISPOSITIVE MOTIONS: GUIDELINES

All non-dispositive motions shall comply with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, and be in the form prescribed by Local Rule 37.2. **Courtesy copies for Judge Menendez are not necessary, unless the motions contain or refer to documents that are not filed on ECF.** The “Meet and Confer” requirement should include attempts to do so through personal contact, rather than solely through correspondence. All non-dispositive motions shall be scheduled for hearing by calling Kathy Thobe, Judicial Assistant to Magistrate Judge Menendez, at 612-664-5140, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so. All motions must be filed and served within the time periods set forth in the local rules.

INFORMAL DISPUTE RESOLUTION

Wherever possible, the parties should bring discovery disputes to the Court using an informal approach. One or both parties can contact the Court via phone or email to set a prompt (usually within 2-3 business days) telephone conference to discuss the issues. The day before the hearing, the parties shall email (not file) the Court either a joint letter setting forth their respective positions or separate letters. If the parties submit separate letters, they must serve a copy on the opposing side unless

they have received prior permission from the Court to submit the letters ex parte. In the event an ex parte submission is requested, the requesting party must make the opposing side aware of the request. Letters should be concise and focus on narrowing the issue in dispute as much as possible.

SETTLEMENT CONFERENCE

A settlement conference is scheduled in this matter for November 5, 2020, at 1:00 p.m. ECF No. 41.

DISPOSITIVE MOTIONS: GUIDELINES AND DEADLINES

All dispositive motions shall be filed by the moving party on or before **October 19, 2021**. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing procedures for the District of Minnesota and in compliance with Local Rule 7.1. Counsel shall schedule the hearing by calling Kristine Wegner, Judge Brasel's Courtroom Deputy, at 651-848-1530.

When a motion, response or reply brief is filed on ECF, two paper courtesy copies of the pleading and all supporting documents shall be mailed or delivered to Kristine Wegner, Courtroom Deputy, at the same time as the documents are posted on ECF. If the moving papers are more than one inch combined, the papers should be provided in a tabbed, three-ring notebook.

TRIAL

This case shall be ready for a **bench** trial on **February 19, 2022**. The anticipated length of trial is **5** days.

Date: July 10, 2020

s/ Katherine Menendez
Katherine Menendez
United States Magistrate Judge